

BAKER & HOSTETLER LLP

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New York, NY 10111
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David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff

v.

ROBERT LAYTON, as an individual and as a joint
tenant, and GERDA LAYTON, as an individual
and as a joint tenant,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04967 (SMB)

TRUSTEE'S REQUEST FOR JUDGMENT BY DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Default Judgment against defendants Robert Layton and Gerda Layton, jointly and severally, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule for the Southern District of New York 7055-2(a), for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Request for Judgment by Default in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
September 18, 2018

Of Counsel:

BAKER & HOSTETLER LLP
11601 Wilshire Blvd., Suite 1400
Los Angeles, California 90025
Telephone: 310.820.8800
Facsimile: 310.820.8859
Michael R. Matthias
Email: mmatthias@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, NY 10111
Telephone: 212.589.4200
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David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*

BAKER & HOSTETLER LLP

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New York, NY 10111
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*Attorneys for Irving H. Picard, Trustee
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff

v.

ROBERT LAYTON, as an individual and as a joint
tenant, and GERDA LAYTON, as an individual
and as a joint tenant,

Defendants.

Adv. Pro. No. 10-04967 (SMB)

AFFIDAVIT FOR JUDGMENT BY DEFAULT

[illegible]

Michael R. Matthias, being duly sworn, hereby attests as follows:

1. I am admitted pro hac vice into this Court and am a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and Bernard L. Madoff. I am familiar with all of the facts and circumstances of this action.

2. I make this affidavit pursuant to Rule 7055-2(a) of the Local Rules of The Bankruptcy Court for the Southern District of New York, in support of the Trustee's application for a default judgment against defendants Robert Layton and Gerda Layton ("Defendants").

3. This action is an adversary proceeding commenced before the same Court before which the main underlying SIPA proceeding, No. 08-01789 (SMB) (the “SIPA Proceeding”), is pending. The SIPA Proceeding was originally brought in the United States District Court for the Southern District of New York as *Securities and Exchange Commission v. Bernard L. Madoff Investment Securities LLC et al.*, No. 08 CV 10791, and has been referred to this Court. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) and 15 U.S.C. §§ 78eee(b)(2)(A), (b)(4). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (H), and (O).

4. On December 2, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Defendants. Dkt. No. 1.

5. On February 9, 2011, the Clerk of this Court issued a summons upon Defendants. Dkt. No. 3.

6. On March 7, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defendant Robert Layton. *See* Dkt. No. 4. A Certificate of Service evidencing proper and timely service was filed with the Court. *Id.* A true and correct copy of the Certificate of Service is attached hereto as Exhibit 1.

7. On March 7, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defendant Gerda Layton. *See* Dkt. No. 5. A Certificate of Service evidencing proper and timely service was filed with the Court. *Id.* A true and correct copy of the Certificate of Service is attached hereto as Exhibit 2.

8. Defendants have not answered the Complaint, and the time for Defendants to answer the Complaint has expired. The defaults of Defendants have been entered.

9. A true and correct copy of the Entry of Default of Defendant Robert Layton obtained pursuant to Local Bankruptcy Rule 7055-1 is attached hereto as Exhibit 3. *See also* Dkt. No. 12.

10. A true and correct copy of the Entry of Default of Defendant Gerda Layton obtained pursuant to Local Bankruptcy Rule 7055-1 is attached hereto as Exhibit 4. *See also* Dkt. No. 11.

11. The Complaint in this adversary proceeding asserted claims pursuant to sections 78fff(b), 78fff-1(a) and 78fff-2(c)(3) of the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, et seq., and other applicable law, seeking the

avoidance and recovery of transfers in the sum of \$755,910.00 made by BLMIS to Defendants during the two years prior to the filing date of the SIPA Proceeding. *See* Compl. ¶ 37 and Compl. Exhibit B.

12. This action seeks judgment for the liquidated amount of \$755,910.00 pursuant to Count Two of the Complaint, which is justly due and owing, and no part of which has been paid. Count Two of the Complaint is the only claim remaining in this Adversary Proceeding. *See* Dkt. No. 7.

13. Attached hereto as Exhibit 5 is a true and correct copy of the Affidavit of Service reflecting proper service of the Clerk's Entry of Default on Defendants on October 17, 2017. *See also* Dkt. No. 15.

14. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief. Executed this 18th day of September, 2018, at Los Angeles, California.

A handwritten signature in black ink, appearing to read 'Michael R. Matthias', is written over a horizontal line.

Michael R. Matthias

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On September 18, 2018 before me, Laura Hua, Notary public
(insert name and title of the officer)

personally appeared Michael R. Matthias,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Laura Hua

(Seal)

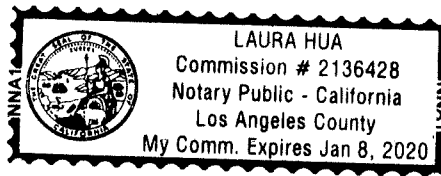


EXHIBIT “1”

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

PLAINTIFF/PETITIONER

VS.

ROBERT LAYTON, et al.

DEFENDANT/RESPONDENT

CAUSE #: ADV. PRO.NO 10-04967 (BRL)

CERTIFICATE OF SERVICE

This service has been completed in compliance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (Done at The Hague November 15, 1965) (Entered Into Force for the U.S. on February 10, 1969). The Certificate of Service attached is also in compliance.



ABC Legal Services, Inc.
633 Yesler Way Seattle, WA 98104
206 521-9000

TRACKING #: 6350728



**ORIGINAL
PROOF OF SERVICE**

BAKER & HOSTETLER LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111
212 589 4656

Page 1 of 1

RACCOMANDATA



telefono
fax

Palazzo di giustizia
Via Pretorio 16
6901 Lugano
091/815 54 71
091/814 47 39

Repubblica e Cantone
del Ticino

Funzionario/a
incaricato/a

Liliana Bernasconi

**Tribunale d'appello
Rogatorie internazionali
6901 Lugano**

Email

di-ta.rogatorie@tl.ch

Avv. Hamilton Rick
633 Yesler Way
USA-WA 98104 Seattle
(Stati Uniti d'America)

Nostro rif.
190/2011

Vostro rif.
causa n. 09/11893
(BRL)

Lugano
9 marzo 2011

Domanda rogatoria di notifica atti a Robert Layton, Ascona

Conferma di notifica - confirmation de notification - confirmation of service - Zustellungsbestätigung

Gentili Signore, Egregi Signori,

trasmettiamo l'unito atto debitamente notificato al destinatario in data 07 marzo 2011.

Distinti saluti.

Per il Presidente del Tribunale d'appello
Liliana Bernasconi, segretaria



Allegati: atti di ritorno + dichiarazione di ricevuta

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.

Identity and address of the applicant

**Rick Hamilton
633 Yesler Way
Seattle, WA 98104
United States of America**

Authorized applicant pursuant to public law 97-351 of Feb. 26, 1983
which amended rule 4(c) 2(a) Federal Rules of Civil Procedure

Address of receiving authority

TRIBUNALE DI APPELLO
VIA PRETORIO 16
6901 LUGANO

The undersigned applicant has the honour to transmit-in-duplicate the documents listed below and, in
conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof
on the addressee, i.e.,
(identity and address)

**ROBERT LAYTON
VIA COLLINETTA 67
ASCONA, CH 6612 GY1 1LU
SWITZERLAND**

DOB:

Phone:

**ROGATORIE
TRIBUNALE DI APPELLO**

- 4 MAR. 2011

Esibito No. 190/11

- ☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5):*

- ☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5).*

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the
annexes* – with a certificate as provided on the reverse side.

Hearing Date:

List of documents:

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN
AN ADVERSARY PROCEEDING; COMPLAINT WITH EXHIBIT
A; NOTICE OF APPLICABILITY OF THE ORDER
APPROVING LITIGATION CASE MANAGEMENT
PROCEDURES FOR AVOIDANCE ACTIONS; LETTER;
ORDER (1) ESTABLISHING LITIGATION CASE
MANAGEMENT PROCEDURES FOR AVOIDANCE ACTIONS
AND (2) AMENDING THE FEBRUARY 26, 2010 PROTECTIVE
ORDER WITH EXHIBIT A, 1, 2, AND 3; THIRD AMENDED
NOTICE OF OMNIBUS AVOIDANCE ACTION HEARING
DATES

Done at Seattle, Washington USA, on Mar 2 2011

Signature and/or stamp

Rick Hamilton

PFI

PROCESS
FORWARDING
INTERNATIONAL



TRACKING #: 6350728



USM-94 (Est. 11/22/77)

(Formerly OBD-116, which was formally LAA-116, both of which may still be used)

* Delete if inappropriate

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

(article 5, fourth paragraph)

Name and address of the requesting authority: Rick Hamilton
633 Yesler Way
Seattle, WA 98104
United States of America

Particulars of the parties:

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

vs. ROBERT LAYTON, et al.

JUDICIAL DOCUMENT*

Nature of the document:

To give notice to the Defendant of the institution against them of a civil lawsuit.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Plaintiff is seeking to avoid and recover transfers and other relief, amount to be determined in court.

Date and place for entering appearance:*

Defendant has 180 days to make a written appearance, address is noted on the accompanying Summons

Court which has given judgment:*

n/a

Date of judgment:*

n/a

Time limits stated in the document:*

Hearing Date:

EXTRAJUDICIAL DOCUMENT*

Name and purpose of the document:

n/a

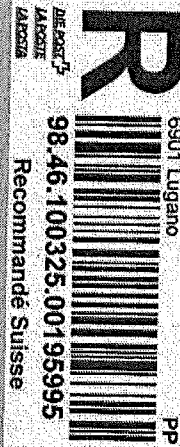
Time limits stated in the document:*

n/a

6350728

Atto giudiziario da recapitare a:

Robert Layton
Via Cefinetta 67
6812 Ascona



DICHIARAZIONE DI RICEVUTA

(da esigere oltre a quella rilasciata sul libretto del fattorino)

Il sottoscritto dichiara di aver ricevuto l'invio qui unito:

Autorità richiedente: Avv. Hamilton Rick (per Tribunale

fallimentare degli Stati Uniti, Distretto

meridionale di New York, USA)

Notifica atto giudiziario (rog. n. 190/2011)

Lugano: 7.03.2011

data: 6.12.2011

firma del destinatario:

GERDA LAYTON (moglie)

Se l'atto è consegnato ad una persona diversa dal destinatario, indicare il nome completo e la relazione con il destinatario (ad esempio moglie, impiegata, ecc.).

Da retrocedere al Tribunale d'appello, Rogatorie Internazionali, casella postale, 6901 Lugano

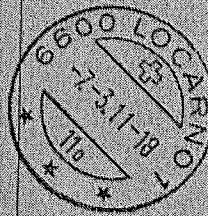


EXHIBIT “2”

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

PLAINTIFF/PETITIONER

VS.

ROBERT LAYTON, et al.

DEFENDANT/RESPONDENT

CAUSE #: ADV. PRO. NO 10-04967 (BRL)

CERTIFICATE OF SERVICE

This service has been completed in compliance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (Done at The Hague November 15, 1965) (Entered Into Force for the U.S. on February 10, 1969). The Certificate of Service attached is also in compliance.



ABC Legal Services, Inc.
633 Yesler Way Seattle, WA 98104
206 521-9000

TRACKING #: 6350727



ORIGINAL
PROOF OF SERVICE

BAKER & HOSTETLER LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111
212 589-4656

Page 1 of 1

	RACCOMANDATA	 
telefono	Palazzo di giustizia Via Pretorio 16 6901 Lugano 091/815 54 71 091/814 47 39	Repubblica e Cantone del Ticino
fax		
Funzionario/a incaricato/a	Liliana Bernasconi	Tribunale d'appello Rogatorie internazionali 6901 Lugano
Email	di-fa.rogatorie@ti.ch	Avv. Hamilton Rick 633 Yesler Way USA-WA 98104 Seattle (Stati Uniti d'America)

Nostro rif.
191/2011

Vostro rif.
causa n. 09/11893
(BRL)

Lugano
9 marzo 2011

Domanda rogatoria di notifica atti a Gerda Layton, Ascona

Conferma di notifica - confirmation de notification - confirmation of service - Zustellungsbestätigung

Gentili Signore, Egregi Signori,

trasmettiamo l'unito atto debitamente notificato al destinatario in data 07 marzo 2011.

Distinti saluti.

Per il Presidente del Tribunale d'appello
Liliana Bernasconi, segretaria



Allegati: atti di ritorno + dichiarazione di ricevuta

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

Convention on the service abroad of judicial and extrajudicial documents in civil or
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Identity and address of the applicant

**Rick Hamilton
633 Yesler Way
Seattle, WA 98104
United States of America**

Authorized applicant pursuant to public law 97-351 of Feb. 26, 1983
which amended rule 4(c) 2(a) Federal Rules of Civil Procedure

Address of receiving authority

**TRIBUNALE DI APPELLO
VIA PRETORIO 16
6901 LUGANO**

The undersigned applicant has the honour to transmit-in-duplicate the documents listed below and in conformity with article 5 of the above-mentioned Convention, requests prompt service of **ROGATORIE TRIBUNALE DI APPELLO** on the addressee, i.e.;
(identity and address)

- 4 MAR. 2011

**GERDA LAYTON INDIVIDUAL AND AS JOINT TENANT, CASA AL BOSCO
VIA COLLINETTA 67
ASCONA, CH 6612 GY1 1LU
SWITZERLAND**

Esibito No.

191 / 11

DOB:

Phone:

☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*

☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5):*

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5).*

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the annexes* – with a certificate as provided on the reverse side.

Hearing Date:

List of documents:

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN
AN ADVERSARY PROCEEDING; COMPLAINT WITH EXHIBIT
A; NOTICE OF APPLICABILITY OF THE ORDER
APPROVING LITIGATION CASE MANAGEMENT
PROCEDURES FOR AVOIDANCE ACTIONS; LETTER;
ORDER (1) ESTABLISHING LITIGATION CASE
MANAGEMENT PROCEDURES FOR AVOIDANCE ACTIONS
AND (2) AMENDING THE FEBRUARY 26, 2010 PROTECTIVE
ORDER WITH EXHIBIT A, 1, 2, AND 3; THIRD AMENDED
NOTICE OF OMNIBUS AVOIDANCE ACTION HEARING
DATES**

Done at Seattle, Washington USA, on Mar 2 2011

Signature and/or stamp

Rick Hamilton

PFI

**PROCESS
FORWARDING
INTERNATIONAL**



TRACKING #: 6350727



SUMMARY OF THE DOCUMENT TO BE SERVED

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(article 5, fourth paragraph)

Name and address of the requesting authority: Rick Hamilton
633 Yesler Way
Seattle, WA 98104
United States of America

Particulars of the parties:

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

vs. ROBERT LAYTON, et al.

JUDICIAL DOCUMENT*

Nature of the document:

To give notice to the Defendant of the institution against them of a civil lawsuit.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Plaintiff is seeking to avoid and recover transfers and other relief, amount to be determined in court.

Date and place for entering appearance:*

Defendant has 180 days to make a written appearance, address is noted on the accompanying Summons

Court which has given judgment:*

n/a

Date of judgment:*

n/a

Time limits stated in the document:*

Hearing Date:

EXTRAJUDICIAL DOCUMENT*

Name and purpose of the document:

n/a

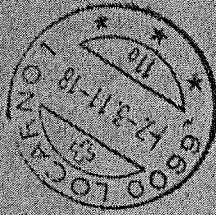
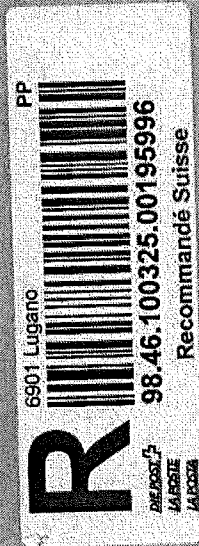
Time limits stated in the document:*

n/a

6350727

Atto giudiziario da recapitare a:

Gerda Layton
Via Collinetta 67
66122 Ascona



DICHIARAZIONE DI RICEVUTA

(da esigere oltre a quella rilasciata sul libretto del fattorino)

Il sottoscritto dichiara di aver ricevuto l'invio qui unito:

Autorità richiedente: Avv. Hamilton Rick (per Tribunale
fallimentare degli Stati Uniti, Distretto
meridionale di New York, USA)

Notifica atto giudiziario (rog. n. 191/2011)

Luogo: 66122 Ascona data: 7.03.2011
firma del destinatario: [Signature]

¹ Se l'atto è consegnato ad una persona diversa dal destinatario, indicare il nome completo e la relazione con il destinatario (ad esempio moglie, impiegato, ecc.)

Da retrocedere al Tribunale d'appello, Rogatorie internazionali, casella postale, 6901 Lugano

EXHIBIT “3”

UNITED STATES BANKRUPTCY COURT
Southern District of New York

In re: Administrative Case Re: 08-1789 (Securities Invest

Bankruptcy Case No.:
08-99000-smb

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff

Plaintiff(s),

—against—

Adversary Proceeding No.
10-04967-smb

Robert Layton, as an individual and as a joint tenant
Gerda Layton, as an individual and as a joint tenant

Defendant(s)

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:	Robert Layton
-------	---------------

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Dated: 10/16/17

Vito Genna

Clerk of the Court

By: /s/ Dawn McCaffrey

Deputy Clerk

EXHIBIT “4”

UNITED STATES BANKRUPTCY COURT
Southern District of New York

In re: Administrative Case Re: 08-1789 (Securities Invest

Bankruptcy Case No.:
08-99000-smb

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff

Plaintiff(s),

—against—

Adversary Proceeding No.
10-04967-smb

Robert Layton, as an individual and as a joint tenant
Gerda Layton, as an individual and as a joint tenant

Defendant(s)

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:	Gerda Layton
-------	--------------

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Dated: 10/16/17

Vito Genna

Clerk of the Court

By: /s/ Dawn McCaffrey

Deputy Clerk

EXHIBIT “5”

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Esq., Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff

v.

ROBERT LAYTON, as an individual and as a
joint tenant, and GERDA LAYTON, as an
individual and as a joint tenant,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04967 (SMB)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, **Gracemary Curbelo**, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On October 17, 2017, I served the following (corrected service):

1. *Trustee's Request to Enter Default and Affidavit – Gerda Layton (ECF No. 16771)*
2. *Trustee's Request to Enter Default and Affidavit – Robert Layton (ECF No. 16772)*
3. *Clerk's Entry of Default – as to Defendant Gerda Layton (ECF No. 16773)*
4. *Clerk's Entry of Default – as to Defendant Robert Layton (ECF No. 16779)*

by emailing the interested parties true and correct copies via electronic transmission to the email addresses designated for delivery and/or by placing true and correct copies thereof in sealed packages designated for regular U.S. Mail to those parties as set forth on the attached Schedule A.

TO: *See Attached Schedule A*

/s/ Gracemary Curbelo
Gracemary Curbelo

Sworn to before me this
17th day of October, 2017

/s/Sonya M. Graham
Notary Public

Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept. 12, 2021

SCHEDULE A

Pro Se Defendants

Gerda Layton
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